

REMARKS

The Examiner's Office Action of February 26th, 2004 has been thoroughly considered. In the Office Action, Examiner Farkhondar-Tonsey has rejected independent Claim 9 and dependent Claims 10 and 11 under 35 U.S.C. § 102(b), as being anticipated by Boltz et al., U.S. Patent Number 6,044,275. Moreover, Examiner Farkhondar-Tonsey has rejected independent Claims 1 and 12, as well as dependent Claims 2-3, 6-8 and 13-14, under 35 U.S.C. § 103(a), as being unpatentable over Boltz et al. in view of Hansson, U.S. Patent Number 6,023,620. Examiner Farkhondar-Tonsey's also rejects dependent Claims 4 and 5, under 35 U.S.C. § 103(a), as being unpatentable over Boltz et al. in view of Hansson and Matsukane et al., U.S. Patent Number 5,467,341.

By way of the present response, Applicant believes his application to be in condition for allowance.

I. Rejection of Claims 9-11 Under 35 U.S.C. § 102(b)

Examiner Farkhondar-Tonsey has rejected independent Claim 9, as well as dependent Claims 10 and 11 under 35 U.S.C. § 102(b). More particularly, the Examiner suggests that Applicant's claims are anticipated by the Boltz et al. reference. In support of this conclusion, the Examiner points to Column 4, lines 21-29 of the Boltz et al. reference.

Applicant respectfully traverses the Examiner's contention of anticipation. Applicant contends that the art of record, including the Boltz et al. reference, fails to teach or suggest each and every limitation of his claims. More particularly, Applicant argues that none of the references of record, including the Boltz et al. reference, teach or suggest "...transmitting the user identified storable information *over at least one signaling channel* of the communication system."

Applicant submits that transmitting the user identified storable information over at least one signaling channel is neither taught nor suggested by the art of record, including the Boltz et al. reference. Applicant supports this argument by pointing to the Boltz et al. reference. The Boltz et al. reference discloses a telecommunications system and method for allowing a mobile subscriber to define a date and time of delivery

for a Short Message Service ("SMS") message sent by the mobile subscriber to another mobile subscriber. The Boltz et al. reference details that this may be done by transporting the date and time delivery information to the SMS Service Center along with the SMS message, where it can be stored until the requested time of delivery. More particularly, in column 4, lines 21 through 29, the Boltz et al. reference details that the mobile subscriber can enter a service code, followed by the time and date of desired delivery, and the SMS message to be sent. Thereafter, the SMS message may be sent along with the time and date information to an SMS service center, where it is stored until the requested time of delivery. However, the Boltz et al. reference makes no teaching or suggestion regarding transmitting user identified storable information over at least one signaling channel.

In contrast, Applicant directs the Examiner's attention to the instant application. On page 4, lines 1 through 3 of the application, for example, Applicant states that a method is needed for reducing the probability of real time signals and non-real time signals competing for the same resources in a communication system. Applicant submits, on page 2, line 30-31, as well as page 3 lines 1-2, that the use of traffic channels is known for communicating user signals, while the use of signaling channels is known for communicating system signals. On page 4, line 8 through 10, Applicant states that "[t]he method of the present invention takes advantage of the fact that not all user information need[s] to be transmitted in real time."

Applicant submits on page 4, line 30 through page 5, line 1 of his application, that "the method of the present invention allows the system to receive user identified storable information over signaling channels and transmit such information at certain times over available traffic channels to their destination." Applicant further states page 5, line 1 through line 6 of his application that "[b]ecause user signals carrying user identified storable information are received over signaling channels by the system and are transmitted at appropriate times when traffic channels are available, the likelihood of such signals competing with real time signals for resources (e.g., traffic channels) is

decreased....” Consequently, Applicant’s invention enables user identified storable information to be communicated over one or more signaling channels.

In view of the above remarks, Applicant submits that their claimed invention is not anticipated by the art of record, including the Boltz et al. reference. Applicant advances that the art of record, including the Boltz et al. reference, neither teaches nor suggests transmitting the user identified storable information over at least one signaling channel. Accordingly, Applicant believes independent Claim 9 to be in allowable form. Applicant also submits that as Claims 10 and 11 depend from independent Claim 9, these dependent claims, by logical extension, are also novel and non-obvious as well. Consequently, Applicant respectfully requests immediate reconsideration and allowance of their application, including Claims 9 through 11.

II. Rejection of Claims 1-3, 6-8 and 12-14 Under 35 U.S.C. § 103(a)

Examiner Farkhondar-Tonsey has rejected independent Claims 1 and 12, as well as dependent Claims 2-3, 6-8 and 13-14 under 35 U.S.C. § 103(a). More particularly, the Examiner suggests that Applicant’s claims are made unpatentable by Boltz et al. in view of Hannson. The Examiner suggests that while the Boltz et al. reference discloses a method for delivering user information over a communication system, the reference fails to disclose that information is sent over a traffic channel. Consequently, the Examiner Farkhondar-Tonsey looks to the Hannson reference, in which the Examiner suggests a teaching that information is sent over a traffic channel. In support of this conclusion, the Examiner points to column 4, lines 20-21 of the Hannson reference.

Applicant respectfully traverses Examiner Farkhondar-Tonsey’s rejection of independent Claims 1 and 12, as well as dependent Claims 2-3, 6-8 and 13-14 under 35 U.S.C. § 103(a), as being made unpatentable by the combined teachings of Boltz et al. and Hannson. Applicant contends that the Examiner’s proposed combination still fails to teach the claimed invention. Applicant’s independent Claim 1 recites the step of “receiving user identified storable information over a signaling channel,” while

independent Claim 12 recites the step of "transmitting a response signal over a signaling channel." Applicant argues that none of the references of record, including the Boltz et al. and Hannson references, taken individually or in combination, teach or suggest these recited steps.

Applicant submits that receiving user identified storable information over a signaling channel (Claim 1) and transmitting a response signal over a signaling channel (Claim 12) are neither taught nor suggested by the art of record, including the Boltz et al. and Hannson references. Applicant understanding of the Boltz et al. reference is detailed hereinabove. Moreover, Applicant believes the Hannson reference to teach a method and apparatus for downloading software into a remotely located cellular telephone via wireless communication. The cellular telephone of the Hannson reference includes two memories for storing software, with one memory storing the current software and the second memory available for downloading new software. However, the Hannson reference makes no teaching or suggestion regarding using at least one signaling channel for either receiving user identified storable information (Claim 1) or transmitting a response signal (Claim 12). Thusly, combining the teachings of the art of record, including the Boltz et al. and Hannson references, still fails to disclose the claimed invention.

In view of the above remarks, Applicant submits that the art of record, including the Boltz et al. and Hannson references, does not teach or suggest the invention as presently claimed. Applicant argues that the combination of the Boltz et al. and Hannson references neither teaches nor suggests using at least one signaling channel for either receiving user identified storable information (Claim 1) or transmitting a response signal (Claim 12). Applicant's invention, as reflected in independent Claims 1 and 12, as well as dependent Claims 2-3, 6-8, and 13-14 is therefore neither taught nor suggested by the references of record, taken individually or in combination, and hence defines patentable subject matter. Accordingly, Applicant believes Claims 1-3, 6-8 and 12-14 to be in

allowable form, and respectfully request reconsideration and allowance of their application.

III. Rejection of Claims 4-5 Under 35 U.S.C. § 103(a)

Examiner Farkhondar-Tonsey has rejected dependent Claims 4 and 5 under 35 U.S.C. § 103(a). More particularly, the Examiner suggests that Applicant's claims are made unpatentable by Boltz et al. in view of Hansson and Matsukane et al. The Examiner suggests that the combination of the Boltz et al. and Hansson references fails to disclose an alert signal transmitted a certain number of times designated by the user. Given this shortcoming, the Examiner Farkhondar-Tonsey looks to the Matsukane et al. reference, which the Examiner suggests discloses an alert signal transmitted a number of times designed by the user. In support of this conclusion, the Examiner points to Abstract, lines 16-20 of the Matsukane et al. reference.

Applicant respectfully traverses Examiner Farkhondar-Tonsey's rejection of dependent Claims 4 and 5 as being made unpatentable by the combined teachings of Boltz et al., Hansson and Matsukane et al. Applicant contends that the Examiner's proposed combination still fails to teach the claimed invention, as stated herein. Claim 1, from which both Claims 4 and 5 dependent from, recites the step of "...transmitting the user identified storable information *over at least one signaling channel* of the communication system." The combination proposed by the Examiner, however, fails to teach or suggest this novel and non-obvious feature. As Claims 4 and 5 depend from independent Claim 1, given the hereinabove arguments, these dependent claims, by logical extension, are also novel and non-obvious. Consequently, Applicant respectfully requests immediate reconsideration and allowance of their application, including dependent Claims 4 and 5.

IV. Summary and Conclusion

Applicant believes that a full and complete response has been made to Examiner Farkhondar-Tonsey's Office Action. Thus, in view of the hereinabove remarks, Applicant respectfully request immediate reconsideration and allowance of their patent application and its claims. To that end, if the Examiner feels that a conference might expedite the prosecution of this case, the Examiner is cordially invited to call the undersigned.

Respectfully submitted,



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